

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12 Plaintiff,) SA 09-521M
13 v.) ORDER OF DETENTION AFTER HEARING
14 SYLVESTRE APAEZ GERARDO,) (18 U.S.C. § 3142(i))
15 Defendant.)

I.

ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

1 II.

2 The Court finds no condition or combination of conditions will reasonable assure:

- 3 A. (X) appearance of defendant as required; and/or
4 B. () safety of any person or the community;

5 III.

6 The Court has considered:

- 7 A. (x) the nature and circumstances of the offense;
8 B. (x) the weight of evidence against the defendant;
9 C. (x) the history and characteristics of the defendant;
10 D. () the nature and seriousness of the danger to any person or to the community.

11 IV.

12 The Court concludes:

- 13 A. () Defendant poses a risk to the safety of other persons or the community because:
14
15 B. (x) History and characteristics indicate a serious risk that defendant will flee because:
16 **Defendant is undocumented. He has no ties to the community and no bail**
17 **resources.**
18
19 C. () A serious risk exists that defendant will:
20 1. () obstruct or attempt to obstruct justice;
21 2. () threaten, injure or intimidate a witness/ juror; because:
22
23 D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption
24 provided in 18 U.S.C. § 3142 (e).

25 ///

26 ///

27 ///

28 ///

1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private
5 consultation with his counsel.

6

7

8 Dated: December 11, 2009



9
10 Marc L. Goldman
U.S. Magistrate Judge

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))